IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 917 OF 2007
IN
SUIT NO. 1711 OF 1982

Hasmukhlal D. Jhaveri & Ors. .. Plaintiff

V/s.

Rajmal M. Jhaveri
& Ors. .. Defendants

Mr. S. Nagvedali i/b. M/s. Mehta & Co. for the Plaintiff
Mr. Vivek Sharma for the Defendant No.1

CORAM : S.R. SATHE,J.
DATED : 28/03/2007

P.C. :-

Heard both the learned advocates. It is very clear from the perusal of the record that though sufficient opportunity was given to the defendant no Written Statement has been filed. For more than 20 years elapsed defendant has not even bothered to file Written Statement. Whatever reasons given in the application in fact according to me are not justifiable.

If the suit is proceeded exparte then there is possibility of further round of litigation. So taking

into consideration all these facts and circumstances and in the interest of justice and having regard to the fact that according to Plaintiff Written Statement was affirmed in the year 1980. Written Statement is accepted subject to payment of costs of Rs. 20,000/-. Cost to be paid within 4 days from today failing which no further opportunity will be given and suit will proceed exparte without Written Statement.

Notice of Motion is disposed of accordingly.

(S.R. SATHE,J.)